



[Billing Code 3510-GT]

DEPARTMENT OF COMMERCE

International Trade Administration

North American Free-Trade Agreement, Article 1904

NAFTA Panel Reviews; Request for Panel Review.

AGENCY: NAFTA Secretariat, United States Section, International Trade Administration, Department of Commerce.

ACTION: Notice of First Request for Panel Review

SUMMARY: On November 4, 2011, Quimic, S.A. de C.V., filed a First Request for Panel Review with the Mexican Section of the NAFTA Secretariat pursuant to Article 1904 of the North American Free Trade Agreement. Panel review was requested of the final determination of the effective examination and official review on countervailing duties regarding imports of certain type of stearic acid originating from the United States of America, independently of the country of origin. This merchandise is classified in tariff items 3823.11.01 and 3823.19.9901 of the Mexican Tariff Schedule (TIGIE), published in the Diario Oficial de la Federacion, on October 7, 2011. The NAFTA Secretariat has assigned Case Number MEX-USA-2011-1904-01 to this request.

FOR FURTHER INFORMATION CONTACT: Marsha Ann Y. Iyomasa, Deputy United States Secretary, NAFTA Secretariat, Suite 2061, 14th and Constitution Avenue, Washington, D.C. 20230, (202) 482-5438.

SUPPLEMENTARY INFORMATION: Chapter 19 of the North American Free-Trade Agreement ("Agreement") establishes a mechanism to replace domestic judicial review of

final determinations in antidumping and countervailing duty cases involving imports from a NAFTA country with review by independent bi-national panels. When a Request for Panel Review is filed, a panel is established to act in place of national courts to review expeditiously the final determination to determine whether it conforms with the antidumping or countervailing duty law of the country that made the determination.

Under Article 1904 of the Agreement, which came into force on January 1, 1994, the Government of the United States, the Government of Canada and the Government of Mexico established Rules of Procedure for Article 1904 Binational Panel Reviews ("Rules"). These Rules were published in the Federal Register on February 23, 1994 (59 FR 8686).

A first Request for Panel Review was filed with the Mexican Section of the NAFTA Secretariat, pursuant to Article 1904 of the Agreement, on November 4, 2011, requesting panel review of the final determination described above.

The Rules provide that:

- (a) a Party or interested person may challenge the final determination in whole or in part by filing a Complaint in accordance with Rule 39 within 30 days after the filing of the first Request for Panel Review (the deadline for filing a Complaint is December 5, 2011);
- (b) a Party, investigating authority or interested person that does not file a Complaint but that intends to appear in support of any reviewable portion of the final determination may participate in the panel review by filing a Notice of Appearance in accordance with Rule 40 within 45 days after the filing of the first Request for Panel Review (the deadline for filing a Notice of Appearance is December 19, 2011); and
- (c) the panel review shall be limited to the allegations of error of fact or law,

including the jurisdiction of the investigating authority, that are set out in the Complaints filed in the panel review and the procedural and substantive defenses raised in the panel review.

____ November 18, 2011 _____

Date

Marsha Ann Y. Iyomasa
Deputy United States Secretary
NAFTA Secretariat

am; Publication Date: 11/25/2011]

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